

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SCOTT DUPREE

v.

EMC MORTGAGE CORPORATION

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§

Case No. 4:10-CV-356
Judge Schneider/Judge Mazzant

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On January 7, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint for Failure to State a Claim or alternatively, Motion for More Definite Statement (Dkt. #19) should be GRANTED and Plaintiff's claims should be DISMISSED with prejudice, and that Defendant's Motion for More Definite Statement should be DENIED.

The Court, having made a *de novo* review of the objections raised by Plaintiff, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint for Failure to State a Claim or alternatively, Motion for More Definite Statement (Dkt.

#19) is **GRANTED** and Plaintiff's claims are **DISMISSED** with prejudice. Defendant's Motion for More Definite Statement is **DENIED**.

It is SO ORDERED.

SIGNED this 18th day of January, 2011.

A handwritten signature in black ink, reading "Michael H. Schneider", is written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE